

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

GREG M REYNOLDS,

Case No. 3:15-cv-00882-AA

Plaintiff,

OPINION AND ORDER

v.

COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION,

Defendant.

AIKEN, Judge:

Plaintiff, appearing pro se, filed challenging the failure of the Commissioner to approve or deny his application for disability benefits and seeking remand for an award of benefits. The Commissioner moves for dismissal of plaintiff's claim on grounds that this Court lacks jurisdiction under the Act to review actions of the Commissioner absent a final decision.

Judicial review of claims arising under Title II or Title XVI of the Social Security Act is

limited to final decisions of the agency after an administrative hearing. *See Subia v. Comm'r of Soc. Sec.*, 264 F.3d 899, 902 (9th Cir. 2001); *see also Califano v. Sanders*, 430 U.S. 99, 108 (1977); *Johnson v. Shalala*, 2 F.3d 918, 921 (9th Cir. 1993) ("Section 405(g) requires an SSI claimant to obtain a final judgment from the Secretary before seeking judicial review.").

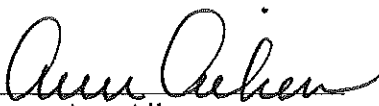
Here, it is undisputed that the Commissioner has issued no final decision on plaintiff's application. In November 2014, plaintiff sought reconsideration of the initial denial of his application, and, for reasons unknown and unexplained, the agency had not rendered a decision on reconsideration as of April 2016. The Commissioner maintains that a decision on reconsideration is imminent if not already rendered. At this juncture, no final decision has been issued in the case, and the court lacks jurisdiction to review plaintiff's claim.

CONCLUSION

Accordingly, the motion to dismiss (doc. 12) is GRANTED. This case is dismissed without prejudice.

IT IS SO ORDERED.

Dated this 14 day of June, 2016.


Ann Aiken
United States District Judge